



#3

PATENT

**DECLARATION AND POWER OF ATTORNEY
IN PATENT APPLICATION**

Attorney Docket No.: 1802-1-1

As a below named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

**METHODS AND APPARATUS FOR EVALUATING PERFORMANCE OF
ILLUMINATION AND IMAGING SYSTEMS**

the specification of which was filed on September 14, 2000, as U.S. Application Serial No. 09/661,602.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b), of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>	<u>Priority Claimed</u>
---------------	----------------	-------------------	-------------------------

_____	_____	_____ Day/Mo/Year	_____ Yes No
-------	-------	----------------------	-----------------

_____	_____	_____ Day/Mo/Year	_____ Yes No
-------	-------	----------------------	-----------------

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below.

Application No.

Filing Date

60/154,497

September 17, 1999

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application
Number

Filing
Date

Status: Patented/
Pending/Abandoned

_____	_____	_____
_____	_____	_____

I hereby appoint the attorneys associated with Customer No. 000996 to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith. Address all correspondence and phone calls to:

Joshua King,
Registration No. 35,570
GRAYBEAL JACKSON HALEY LLP
155 - 108th Avenue NE, Suite 350
Bellevue, WA 98004-5901 USA
Telephone (425) 455-5575
Facsimile (425) 455-1046

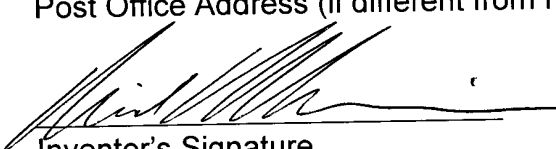
I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Nicholas B. MacKinnon

Citizenship: Canadian

Residence: 2267 Marstrand Avenue, Vancouver, B. C., Canada V6W 2H8 ^{NM}

Post Office Address (if different from Residence)


Inventor's Signature


January 12, 2001
Date

Full Name of Inventor: Ulrich Stange

Citizenship: Canadian

Residence: 502-2310 West 2nd Avenue, Vancouver, B. C., Canada V6K 1J1

Post Office Address (if different from Residence)


Inventor's Signature

12 January 2001
Date



PATENT

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

Applicant(s) or Patentee(s): Nicholas B. MacKinnon and Ulrich Stange

Application or Patent No.: 09/661,602

Docket No.: 1802-1-1

Filed or Issued: September 14, 2000

Title: METHODS AND APPARATUS FOR EVALUATING PERFORMANCE OF
ILLUMINATION AND IMAGING SYSTEMS

I hereby declare that I am

_____ the owner of the small business concern identified below:

 X an official of the small business concern empowered to act on
behalf of the concern identified below:

NAME OF CONCERN: Tidal Photonics, Inc.

ADDRESS OF CONCERN: 1755 West Broadway, Suite 314
Vancouver, BC V6J 4S5
CANADA

I hereby declare that the above-identified small business qualifies as a small business concern as defined in 13 CFR §121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party of parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in

_____ the specification filed herewith with the title as listed above.

 X the application identified above.

_____ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME _____

ADDRESS _____
____ Individual ____ Small Business Concern ____ Nonprofit Organization

FULL NAME _____

ADDRESS _____
____ Individual ____ Small Business Concern ____ Nonprofit Organization

FULL NAME _____

ADDRESS _____
____ Individual ____ Small Business Concern ____ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Nicholas B. MacKinnon, President

TITLE OF PERSON OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING: 1755 West Broadway, Suite 314
Vancouver, BC V6J 4S5
CANADA

SIGNATURE


Title: President

DATE

January 12, 2001